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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Jessica Miracle, *et al.*,

Plaintiffs,

v.

Katie Hobbs, in her official capacity as
Arizona Secretary of State,

Defendant.

No. CV-19-4694-PHX-SRB

**SECOND DECLARATION OF
TOMÁS ROBLES**

Pursuant to 20 U.S.C. § 1746, I, TOMÁS ROBLES, declare as follows:

1. My name is Tomás Robles. I am over the age of 18, have personal knowledge of the facts stated in this declaration, and can competently testify to their truth.

2. As discussed in the first declaration I gave in this matter, I am a member of the steering committee for Arizonans for Fair Lending (Our Voice Our Vote, LUCHA) (“Arizonans for Fair Lending”), which is sponsoring the 2020 ballot initiative “Arizonans

1 for Fair Lending Act” (“Fair Lending Initiative”). I am also the co-Executive Director of
2 Living United for Change in Arizona (LUCHA), which is one of the two member
3 organizations that form Arizonans for Fair Lending. I have had extensive personal
4 experience with ballot initiative campaigns in Arizona, both with LUCHA and with other
5 organizations.

6 3. In July 2019, we began circulating petitions to gather signatures in support of
7 the Fair Lending Initiative. We halted the signature-gathering campaign shortly thereafter
8 because the uncertainty caused by the Strikeout Law has made it difficult for us to obtain a
9 commitment from funders to provide adequate support for the initiative, should it become
10 subject to the types of challenges using the Strikeout Law that are becoming increasingly
11 common in Arizona. We have commitments from funders that would enable us to resume
12 and pursue our initiative campaign to obtain access to the ballot in 2020, but only if the
13 Strikeout Law is no longer a threat. This is because the Strikeout Law threatens every
14 initiative in Arizona, including our own, with the risk of wildly inflated costs, after millions
15 of dollars have already been sunk into extensive signature gathering efforts.

16 4. In other words, if the Strikeout Law is not enjoined soon, it will almost
17 certainly have the effect of killing our initiative campaign, for nothing having to do with
18 the anticipated support of Arizona voters on its merits.

19 5. Many major funders of initiative campaigns are national issue-advocacy
20 organizations that must allocate a finite pool of resources among several target states in
21 order to foster their goals nationwide. As any other organization would, these funders look
22 for ways to maximize the efficiency of their resources, and often prioritize their efforts in
23 states where it is less expensive to place an initiative on the ballot over states where it is
24 more expensive. As I am learning as a result of personal experience, the Strikeout Law is
25 quickly making Arizona a state where national funders are highly reluctant and in many
26 cases entirely unwilling to support initiative efforts.

27 6. In-state donors are likewise uncertain. If the Strikeout Law remains in place,
28 initiative campaigns become comparatively more risky and expensive places to allocate

1 their political giving. In my experience, this is making donors hesitant to commit funds to
2 initiatives rather than a party, an advocacy organization, or a candidate's campaign
3 (importantly, nomination petitions are not subject to the Strikeout Law).

4 7. If the Strikeout Law remains in place, or if there is no decision suspending
5 the effects of the law by this coming January, there is a very real possibility that we will not
6 be able to move forward with the campaign at all. Our funders will simply spend money
7 elsewhere, in other states with fewer impediments to ballot access, or on other efforts to
8 effect political change in Arizona aside from initiatives.

9 8. Even if we are ultimately able to move forward with our campaign, waiting
10 to begin our campaign until February or March has a number of consequences for the
11 campaign.

12 9. In my experience, we need to begin our signature gathering campaign no later
13 than the middle of January—but preferably earlier—to ensure that we have enough time to
14 gather the minimum number of signatures to qualify for the ballot. Initiating a signature-
15 gathering campaign after that time is more expensive and logistically complicated, which
16 significantly decreases our likelihood of achieving ballot access.

17 10. First, we will have to move much faster. We will have to collect several
18 hundred thousand total signatures to ensure that we have the minimum number of valid
19 signatures to meet the threshold requirement. If we do not begin until February or March,
20 we will have to collect those signatures at an uncomfortably rapid pace and we may run out
21 of time to meet our goals.

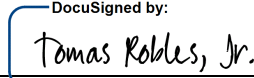
22 11. Second, the signature-gathering process itself will be more expensive because
23 of the compressed timing. Many professional circulators will have already committed to
24 other campaigns, and to ensure that we are able to hire the large number of circulators
25 necessary, we will have to raise the hourly wage that we offer. Because we have such a
26 short window to gather signatures, we will also need to hire many more circulators than we
27 would have otherwise. This increases transactional costs, because we have to spend
28 comparatively more resources recruiting, training and overseeing a large army of

1 circulators. With the Strikeout Law in place, each additional circulator that we hire adds to
2 our overall level of risk, because we will have to set aside resources to ensure that we can
3 get them all to comply with potential subpoenas down the road.

4 12. Additionally, we are already behind on other aspects of the campaign, such
5 as outreach to voters, advocacy groups, and elected community leaders, which we typically
6 begin in the autumn before the election. These activities are key components of our ability
7 to ultimately be successful in passing the initiative, assuming it can make it on the ballot.
8 Like the signature-gathering campaign, these activities are stalled because we are not able
9 to secure funding commitments with the Strikeout Law in place. If we do not have a decision
10 by January, we risk beginning the process too late to ensure that we have the kind of
11 community buy-in that's necessary to ensure the success of our initiative.

12 I declare under penalty of perjury that the foregoing is true and correct.

13
14 DATED: December 9, 2019

15
16 By: 
17 Tomás Robles BC6BB0E39E6E404...